

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

UNITED STATES OF AMERICA

v.

JOHN LAMBERT,
a/k/a "Eric Pope,"

Application for Third
Order of Continuance
19 Mag. 3608

Defendant.

State of New York)
County of New York : ss.:
Southern District of New York)

Benjamin Woodside Schrier, pursuant to Title 28, United States Code, Section 1746,
hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Geoffrey S. Berman, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to 18 U.S.C. § 3161(h)(7)(A).

2. The defendant was charged in a complaint dated April 11, 2019, with violations of 18 U.S.C. §§ 1349, 1343, and 2. The defendant was arrested on April 16, 2019, presented before Magistrate Judge Clifton Corker of the Eastern District of Tennessee on April 16, 2019, and presented before Magistrate Judge Kevin N. Fox of the Southern District of New York on April 29, 2019. At his presentment before Judge Fox, the defendant was represented by Julia Gatto, Esq., of the Federal Defenders of New York, and ordered bailed. The defendant is currently represented by Gary A. Peters, Esq.

3. At the initial presentment, Ms. Gatto consented to a waiver of her client's right pursuant to Rule 5.1 of the Federal Rules of Criminal Procedure to a preliminary hearing within 14 days of the initial appearance. Accordingly, under the Speedy Trial Act, the Government initially had until May 30, 2019 within which to file an indictment or information.

4. On May 30, 2019, Magistrate Judge James L. Cott signed an order of continuance, extending the date by which the Government had to file an indictment or information to June 15, 2019.

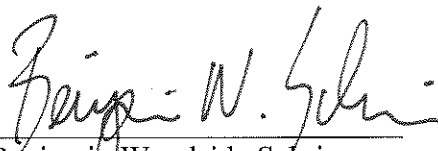
5. On June 16, 2019, Magistrate Judge Sarah Netburn signed an order of continuance, extending the date by which the Government had to file an indictment or information to July 15, 2019.

6. Defense counsel and I have had discussions regarding a possible disposition of this case beginning on April 29, 2019 and continuing to as recently as July 12, 2019. The negotiations have not been completed and we plan to continue our discussions, but do not anticipate a resolution before the deadline under the Speedy Trial Act expires on July 15, 2019.

7. Therefore, the Government is requesting a 30-day continuance until August 14, 2019, to continue the foregoing discussions and reach a disposition of this matter. On July 12, 2019, I personally communicated with Mr. Peters, who specifically consented to this request on behalf of his client. This request has also been approved by Assistant United States Attorney Andrew Dember, Deputy Chief of the Criminal Division.

8. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial.

Dated: New York, NY
July 15, 2019


Benjamin Woodside Schrier
Assistant United States Attorney
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